

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 23, 2002

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and D. Nolan,
Deputy Clerk.

Each of the following:

B151294 Estate of Kirkpatrick
B155761 Frances J. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

B146741 Robert Farrace
 v.
 City of Long Beach

Merits:

Argued by David R. Griffith for appellant and by Randall Fudge, Deputy
City Attorney for respondent. Cause submitted.

Ortega, J. leaves the bench.

B148829 Armen Keshishyan
 v.
 State of California, et al.

Merits:

Argued by Ronald K. Van Wert for appellant and by George M.
Takenouchi, Deputy Attorney General for respondents. Cause submitted.

DIVISION ONE (Continued)

B142181 Erma Lee Miller

v.

Mazda Motor of America

Merits:

Argued by Anthony E. Sonnett for respondent. No appearance for appellant. Cause submitted.

Ortega, J. returns to the bench.

Vogel, J. leaves the bench.

B149847 Eddie Javor

v.

Mark Taggart et al.

Merits:

Argued by Dana M. Cole for appellant and by Vladimir Shalkevich, Deputy Attorney General for respondents. Cause submitted.

Vogel, J. returns to the bench.

Mallano, J. leaves the bench.

B147662 Paradigm Enterprises, Inc. et al.

v.

Robinson, Diamant, & Brill, et al.

Merits:

Argued by David B. Parker for appellants and by Mark B. Robinson for respondents. Cause submitted.

Mallano, J. returns to the bench.

Spencer, P.J. leaves the bench.

DIVISION ONE (Continued)

B154835 Crown Management, Inc. et al.
 v.
 Superior Court, Los Angeles County
 (Cheri Goldberg et al, r.p.i.)

B154878 Suzanna Farago
 v.
 Superior Court, Los Angeles County
 (Cheri Goldberg, et al., r.p.i.)

Merits:

Consolidated cases argued by Loren Nizinski for real party in interest and by Kathryn Albarian for petitioners. Cause submitted.

Spencer, P.J. returns to the bench.

B146896 Pacific Coast Home Furnishings et al.
 v.
 Guard Insurance Brokers, Inc., et al.

Merits:

Argued by Alfred Hakim for appellants and by John Levitt for respondents. Cause submitted.

Ortega, J. leaves the bench.

B146464 Laura D. Zahn
 v.
 Los Angeles County Regional Planning Dept.

Merits:

Argued by Laura D. Zahn, appellant in propria persona and by Carolyn Oill for respondent. Cause submitted.

Ortega, J. returns to the bench.

DIVISION ONE (Continued)

B152421 People
 v.
 Oscar Valenzuela

Merits:

Argued by Michael A. Brush for appellant and by Ryan M. Smith, Deputy Attorney General for respondent. Cause submitted.

Ortega, J. leaves the bench.

B138296 Eugene Johnson, et al.
B140555 v.
 Federal Home Loan Mortgage Corp., et al.

Merits:

Argued by Stan Stern for appellants and by Matthew D. Reinstein for respondents. Cause submitted.

Ortega, J. returns to the bench.
Mallano, J. leaves the bench.

B144003 Bennini, Inc.
 v.
 Tai Yuen Textile Co. Ltd.

Merits:

Argued by Sean T. Osborn for appellant and by Jeffry A. Miller for respondent. Cause submitted.

Mallano, J. returns to the bench.

B139834 Delores Weaver et al.
 v.
 County of Los Angeles

Merits:

Argued by Christopher Sutton for appellants and by Eric R. Young, Deputy County Counsel for respondents. Cause submitted.

DIVISION ONE (Continued)

B150856 Lawrence Arne, as Trustee, et al.
 v.
 William Slocum

Merits:

Argued by John Furutani for appellant, Jeffrey Forer for respondent Arne, Mark H. Rademacher for respondent Plank, and Jay W. Smith for respondent Grigsby. Cause submitted.

B149031 Matthew Christensen
 v.
 City of Los Angeles

Merits:

Argued by Larry Minsky for appellant and by Gregory P. Orland, Deputy City Attorney for respondent. Cause submitted.

Ortega, J. leaves the bench.

B135650 Carol Ko et al.
 v.
 L.K. Lin, et al.

Merits:

Argued by Carol Ko, appellant in propria persona and by Roger M. Rosen for respondent L.K. Lin, Ronald C. Peterson for respondent Liu & Tatung Co., and by Jan. G. Levine for respondent Lai. Cause submitted.

Ortega, J. returns to the bench.
Spencer, P.J. leaves the bench.

April 23, 2002-Continued

DIVISION ONE (Continued)

B153212 Donnie R. Brown et al.
v.
Les Zieve et al.

Merits:

Argued by Donnie Brown and Kimberly Brown, appellants in propria persona, by Les Zieve respondent in propria persona and by Thomas J. Holthus for respondent Midfirst Bank. In open court respondents are ordered to provide by 2:00 p.m., April 24, 2002, fax allowed, additional legal authorities regarding the issue of demurrers by non-demurring parties.

Cause will stand submitted on April 24, 2002.

Court adjourned.

DIVISION TWO

B147942 Bishop (Not for Publication)
v.
Hug

The judgment is affirmed. Respondent(s) to recover costs.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

B150230 Superior Galleries (Not for Publication)
v.
Palmer

The judgment is affirmed. Respondent(s) to recover costs.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION TWO (Continued)

B146844 Debbs et al. (Not for Publication)
v.
California Department of Veterans Affairs et al.

The orders appealed from are affirmed.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B151899 Los Angeles County, D.C.S. (Not for Publication)
v.
Renee H.

The orders appealed from are affirmed.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

B127941 People (Not for Publication)
v.
Montalvo, et al.

The judgments are modified to provide for 300 days of actual custody credit and 45 days of conduct credit as to each appellant, and the \$400 suspended parole revocation fine is stricken as to each appellant. In all other respects, the judgments are affirmed.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B148749 People (Not for Publication)
v.
Dortch

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

B150789 People (Not for Publication)
v.
Rowland, et al.

The judgments are affirmed.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

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The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION TWO (Continued)

B141404 Cole Pacific Development
v.
Schiendelman

Filed order modifying opinion. Petitions for rehearing are denied. (Change in judgment)

B153382 Fine
v.
S.C.L.A.
DeFlores

Filed corrected order on order modifying opinion filed April 11, 2002.

DIVISION THREE

B153434 Los Angeles County, D.C.S. (Not for Publication)
v.
Tracie R.

The order denying a hearing on mother's petition for modification and the order terminating parental rights are affirmed.

Klein, P.J.

We concur: Croskey, J.
Kitching, J.

B154251 People (Not for Publication)
v.
Jason P.

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
Aldrich, J.

DIVISION FOUR

B148399 First Financial Insurance Company (Not for Publication)
v.
Reeves et al.

The judgment is reversed. The cause is remanded to the trial court for further proceedings. Reeves, the Homeowners Association, and KCH Builders are to have their costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B152626 Los Angeles County, D.C.S. (Certified for Publication)
v.
Theodora T.

The order terminating appellant's parental rights to Tamika T. is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B151789 Los Angeles County, D.C.S. (Not for Publication)
v.
Marlene D. and Stanley D.

The orders terminating the parental rights of Mother and Stanley D. and transferring the care custody and control of Donnie D. to the Department for the purpose of adoptive planning and placement are affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FIVE

B147423 People (Not for Publication)
v.
Edward Leroy Lewis

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B156056 Sami Alexander (Not for Publication)
v.
Superior Court, Los Angeles County
(Felix Ordoná, Jr., r.p.i.)

The petition for writ of mandate is granted. The peremptory writ shall issue directing respondent court to vacate its order of January 2, 2002, denying the motion of defendant Sami Alexander for summary judgment, and enter a new and different order granting the motion. No costs are awarded in this proceeding.

Mosk, J.

I concur: Armstrong, J
I concur: Turner, P.J. (with opinion)

B154254 People (Not for Publication)
v.
Orando V.

The wardship order is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION FIVE (Continued)

B147117 Bonnie Chermak (Not for Publication)
 v.
 Howard Rosen et al.

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SEVEN

B150745 People (Not for Publication)
 v.
 Roman

The judgment is affirmed. The superior court shall cause its clerk to amend the abstract of judgment to disclose that appellant was sentenced to a middle term of imprisonment for carrying a dirk or dagger and send the amended abstract of judgment to the California Department of Corrections.

Lillie, P.J.

We concur: Johnson, J.
 Perluss, J.

B150323 People (Not for Publication)
 v.
 Hernandez

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
 Perluss, J.

DIVISION SEVEN (Continued)

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The order under review is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B152017 People (Not for Publication)
v.
McIntosh

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

B147742 People (Not for Publication)
v.
Barrios

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

DIVISION SEVEN (Continued)

B149444 People (Not for Publication)
v.
Youngblood

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Perluss, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Perluss, J.

B148906 People (Not for Publication)
v.
Icart and Uk

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B151906 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Brian B.
In re Joshua Y., a minor

The order is affirmed.

Lillie, P.J.

We concur: Woods, J.
 Perluss, J.

B147673 People (Not for Publication)
v.
Ruben Olmos

The abstract of judgment is ordered corrected to delete the reference to section 12022.53, subdivision (d) on the attempted murder count, and the clerk of the superior court shall prepare and forward to the Department of Corrections a corrected abstract of judgment. The portion of the judgment imposing a 10-year enhancement under section 186.22 on Olmos's sentence for first degree murder is modified to stay execution of that enhancement to run consecutively to the other terms imposed by the trial court, as mandated by section 12022.53, subdivision (c). In all other respects, the judgment is affirmed.

Perluss, J.

We concur: Lillie, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B136210 Industrial Indemnity Ins. Co. of Hawaii et al. (Not for Publication)
v.
Gosnell Builders Corporation et al.

The judgment is reversed and the cause remanded for proceedings not inconsistent with this opinion. Each party shall bear his own costs on appeal.

Munoz, J. (Assigned)

We concur: Lillie, P.J.
Woods, J.

B148374 People (Not for Publication)
v.
Glenn B. Hilke

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Woods, Acting P.J.
Perluss, J.